

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HARRIS L. WINNS,

Plaintiff,

V.

HAROLD CLARKE, *et al.*,

## Defendants.

NO. C06-5723RBL

**ORDER GRANTING DEFENDANT  
KING COUNTY'S MOTION TO  
COMPEL DISCOVERY**

This matter is before the Court Defendant King County's Motion to Dismiss, or in the Alternative, to Compel Discovery. [Dkt. #153]. King County claims that Plaintiff Winns has failed to make his initial disclosures under Fed. R. Civ. P. 26(a)(1), and has failed to engage in discovery pursuant to Fed. R. Civ. P. 33. The County also alleges that Winns has failed to respond to the County's repeated requests to discuss these discovery obligations with him, and has instead insisted that he is not obligated to, and will not, do so.

Plaintiff's Winns does not dispute these allegations. Instead, he apparently argues that a since-resolved delay in service by the U.S. Marshall's office entitles him to a finding that Defendants are in default, and that he should be awarded default judgment. This aspect of Plaintiff's litigation strategy/argument has already been DENIED. *See* Dkt. #s 147 and 170.

The Plaintiff previously engaged in a similar strategy with respect to his parallel claims against the State. He was ordered to comply with Discovery, and warned that his failure to honor his discovery

1 obligations would result in the dismissal of his case against the State. *See* Dkt. #131. He made several  
2 subsequent filings, but did not ever comply with his discovery obligations or comply with the court's  
3 order. As a result, the state's Motion to dismiss was granted, and the Plaintiff's claims against it were  
4 dismissed. *See* Dkt. # 147.

5 The County's Motion to Dismiss is DENIED WITHOUT PREJUDICE. The County's Motion to  
6 Compel is GRANTED. Plaintiff is HEREBY ORDERED to make his initial disclosures under Fed. R.  
7 Civ. P. 26(a)(1), and respond to discovery pursuant to Fed. R. Civ. P. 33, **not later than May 29, 2009.**

8 Plaintiff is again **WARNED** that if he does not make a good faith effort to substantially comply  
9 with his obligations to make initial disclosures under Fed. R. Civ. P. 26(a)(1), and to respond to discovery  
10 pursuant to Fed. R. Civ. P. 33 by this date, his claims against the County will be DISMISSED.

11 IT IS SO ORDERED.

12 DATED this 8<sup>th</sup> of May, 2009.

13  
14   
RONALD B. LEIGHTON  
15 UNITED STATES DISTRICT JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28